

Dated: April 12, 2012



James M. Marlar, Chief Bankruptcy Judge

SKIBA LAW GROUP, PLC  
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 John N. Skiba, Esq. #022699  
 Counsel for the Debtor(s)

IN THE UNITED STATES BANKRUPTCY COURT  
 IN AND FOR DISTRICT OF ARIZONA

<p><b>In re:</b></p> <p><b>Scott Alan Dickinson,</b></p> <p style="text-align: center;"><b>Debtor(s).</b></p>	<p><b>Chapter 13 Proceedings</b></p> <p><b>Case No: 2:11-bk-4711-JMM</b></p> <p style="text-align: center;"><b>STIPULATED ORDER CONFIRMING CHAPTER 13 PLAN</b></p>
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The Chapter 13 Plan having been properly noticed out to creditors and any objection to confirmation having been resolved,

**IT IS ORDERED** confirming the Plan of the Debtor as follows:

(A) **INCOME SUBMITTED TO THE PLAN.** Debtor shall submit the following amounts of future income to the Trustee for distribution under the Plan.

(1) Future Earnings or Income. Debtor shall make the following monthly Plan payments:

<u>Months</u>	<u>Amounts</u>
1-60	\$810.00

The payments are due on or before the 24<sup>th</sup> day of each month commencing March 24, 2011. Debtors are advised that when payments are remitted late, additional interest may accrue on secured debts, which may result in a funding shortfall at the

1 end of the Plan term. Any funding shortfall must be cured before the plan is deemed  
2 completed.

3 The Debtors shall provide, directly to the Trustee copies of their federal and state  
4 income tax returns for post-petition years within 30 days of filing them. The purpose  
5 is to assist the Trustee in determining any change in debtor's annual disposable  
6 income.

7 (2) Other Property. None.

8 In no event will the term of the Plan be reduced to less than 60 months, exclusive of  
9 any property recovered by the Trustee, unless all allowed claims are paid in full.

10 (B) **DURATION**. This Plan shall continue for 60 months from the first regular monthly  
11 payment described in Paragraph (A)(1) above. If at any time before the end of the  
12 Plan period all claims are paid, then the Plan shall terminate.

13 (C) **CLASSIFICATION AND TREATMENT OF CLAIMS**. Claims shall be  
14 classified and paid as listed below. The Plan and this Order shall not constitute an  
15 informal proof of claim for any creditor. The Trustee shall receive the percentage fee  
16 on the Plan payments pursuant to 28 U.S.C. § 586(e), then the Trustee will pay  
17 creditors in the following order:

18 (1) Administrative Expenses:

19 Attorney Fees. Attorney John Skiba of the Skiba Law Group, PLC shall be  
20 allowed total compensation of \$4,500. All fees listed in section (F)(1) of the Plan  
21 are included in the flat fee including adversarial proceedings to avoid the liens on  
22 Debtor's residence held by GMAC and HFC-USA.

23 Counsel received \$2,000.00 prior to filing this case and will be paid \$2,500 by the  
Chapter 13 Trustee.

(2) Claims Secured by Real Property:

a. **U.S. Bank National Association as Trustee for RASC 2005KS10**,  
secured by a first deed of trust in the Debtor's residence, shall be paid the

1 prepetition arrearage of \$10,479.06 with 0.00% interest. Regular post-  
2 petition payments will be made directly by the Debtors to the secured  
3 creditor.

4 b. **GMAC's** interest in Debtor's residence, secured by a second deed of trust  
5 in the Debtor's residence, shall be voided pursuant to an adversarial  
6 proceeding. Any remaining balance shall be treated as a general non-  
7 priority unsecured claim.

8 c. **HFC-USA's** interest in Debtor's residence, secured by a third deed of trust  
9 in the Debtor's residence, shall be voided pursuant to an adversarial  
10 proceeding. Any remaining balance shall be treated as a general non-  
11 priority unsecured claim.

12 (3) Claims Secured by Personal Property:

13 a. **C.A.G. Acceptance, LLC**, secured by a lien in a 2008 BMW 328i, shall  
14 be paid \$11,982.65 with 5.00% interest. The creditor will receive  
15 adequate protection payments of \$110.00 per month. The balance of the  
16 claim shall be classified as an unsecured non-priority claim.

17 (4) Unsecured Priority Claims:

18 a. **The Department of the Treasury/Internal Revenue Service** will be paid  
19 \$2,172.00, the total priority claim through the Plan with no interest.

20 b. **The Arizona Department of Revenue** will be paid \$922.00, the total  
21 priority claim through the Plan with no interest.

22 (5) Surrendered Property:

23 a. Upon confirmation of this plan or except as otherwise ordered by the  
Court, bankruptcy stays are lifted as to collateral to be surrendered. Such  
creditor shall receive no distribution until the creditor timely files a claim  
or an amended proof of claim that reflects any deficiency balance  
remaining on the claim. Assuming the creditor has an allowed proof of  
claim, should the creditor fail to file an amended proof of claim consistent  
with this provision, the Trustee need not make any distributions to that  
creditor. Debtors surrender the following property: **None**.

1 (6) Other Provisions: **None.**

2 (7) Unsecured Nonpriority Claims: All other claims shall be classified as unsecured  
3 and nonpriority. Such claims shall be paid pro rata the balance of the payments  
4 under the Plan and any unsecured debt balance remaining unpaid at the end of the  
Plan may be discharged as provided in 11 U.S.C. § 1328.

5 (D) **EFFECTIVE DATE AND VESTING**. The effective date of the Plan shall be the  
6 date of this Order. Property of the estate vests in Debtors upon confirmation.

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7 ORDER SIGNED AND DATED ABOVE

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8 Approved as to Form and Content By:



Russell Brown  
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12 Russell Brown  
Chapter 13 Trustee

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John W. Skiba, Esq.  
Attorney for Debtors

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Sanford Germaine, Esq.  
Attorney for C.A.G. Acceptance, LLC

Scott Dickinson

1 (6) Other Provisions: None.

2 (7) Unsecured Nonpriority Claims: All other claims shall be classified as unsecured  
3 and nonpriority. Such claims shall be paid pro rata the balance of the payments  
4 under the Plan and any unsecured debt balance remaining unpaid at the end of the  
Plan may be discharged as provided in 11 U.S.C. § 1328.

5 (D) **EFFECTIVE DATE AND VESTING.** The effective date of the Plan shall be the  
6 date of this Order. Property of the estate vests in Debtors upon confirmation.

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**ORDER SIGNED AND DATED ABOVE**

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8 Approved as to Form and Content By:

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Russell Brown  
Chapter 13 Trustee

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John N. Skiba, Esq.  
Attorney for Debtors

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Sanford Germaine, Esq.  
Attorney for C.A.G. Acceptance, LLC

21 Debtor certifies that all required State and Federal income tax returns have been filed. No  
22 domestic support obligation is owed, or if owed, such payments are current since the filing of the  
23 Petition.

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Scott Dickinson